

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

TRUSTEES OF THE )  
PLUMBERS AND PIPEFITTERS )  
NATIONAL PENSION FUND, *et al.*, )  
 )  
Plaintiffs, ) Case No. 1:12-cv-862 (GBL/TRJ)  
v. )  
 )  
JT MECHANICAL, LLC, )  
 )  
Defendant. )

**ORDER**

THIS MATTER is before the Court on the December 6, 2012 Report and Recommendation of United States Magistrate Judge Jones regarding Plaintiffs Trustees of the Plumbers and Pipefitters National Pension Fund (“National Pension Fund”) and Trustees of the International Training Fund’s (“International Training Fund”) Motion for Default Judgment against Defendant JT Mechanical, LLC (“JT Mechanical”). (Dkt. No. 12.) This case concerns Defendant JT Mechanical’s alleged breach of the Collective Bargaining Agreement with Local Union No. 441 arising from Defendant’s failure to timely pay contributions due to Plaintiffs on behalf of its employees for work covered by the Agreement performed at Defendant’s request for the months of November 2011 through January 2012.

The Court finds the Report and Recommendation acceptable yet adopts in part due to a calculation error requiring modification. In the Report and Recommendation, Magistrate Judge Jones makes proposed findings concerning Defendant’s liability to Plaintiffs on the breach of contract claim. Magistrate Judge Jones finds that Plaintiff National Pension Fund is entitled to recover (1) delinquent contributions in the amount of \$3,705.90, (2) liquidated damages in the

amount of \$370.59, and (3) interest at the rate of twelve percent (12%) per annum from the date due and continuing to the date of payment in the amount of \$366.94. Magistrate Judge Jones further finds that Plaintiff International Training Fund is entitled to recover (1) delinquent contributions in the amount of \$112.30, (2) liquidated damages in the amount of \$22.46, and (3) interest at the rate of twelve percent (12%) per annum from the date due and continuing to the date of payment in the amount of \$11.12. Magistrate Judge Jones also finds that Plaintiffs are entitled to (1) attorneys' fees in the amounts of \$250.00 for counsel and \$1012.50 for paralegal services and (2) costs in the amounts of \$350.00 for filing fees, \$300.00 for service of process, and \$101.29 for computerized research. The Report and Recommendation then proposes the total amounts due as follows: (1) \$3,818.20 for delinquent contributions, (2) \$393.05 for liquidated damages, (3) \$348.06 for interest calculated through November 9, 2012, (4) \$1,262.50 for attorneys' fees, and (5) \$751.29 for costs. The Court finds all totals acceptable except the interest calculation, the sum of which should instead be \$378.06 rather than \$348.06.

Neither party filed objections within fourteen (14) days after being served with the Magistrate Judge's recommendation. Therefore, in light of the aforementioned correction, it is hereby

**ORDERED** that the Court **adopts in part** as its own the findings of fact and accepts the recommendation of United States Magistrate Judge Jones. It is further

**ORDERED** that Plaintiffs' Motion for Default Judgment (Dkt. No. 8) is **GRANTED**. It is further

**ORDERED** that the Clerk of Court enter judgment in favor of Plaintiff Trustees of the Plumbers and Pipefitters National Pension Fund ("National Pension Fund") and against Defendant JT Mechanical, LLC in the amount of four thousand four hundred forty-three dollars

and forty-three cents (\$4,443.43), itemized as follows: (1) three thousand seven hundred five dollars and ninety cents (\$3,705.90) for delinquent contributions; (2) three hundred seventy dollars and fifty-nine cents (\$370.59) for liquidated damages; and (3) three hundred sixty-six dollars and ninety-four cents (\$366.94) for interest as of November 9, 2012, which is assessed at a rate of twelve percent (12%) per annum from the date due and continuing to the date of payment. It is further

**ORDERED** that the Clerk of Court enter judgment in favor of Plaintiff Trustees of the International Training Fund (“International Training Fund”) and against Defendant JT Mechanical, LLC in the amount of one hundred forty-five dollars and eighty-eight cents (\$145.88), itemized as follows: (1) one hundred twelve dollars and thirty cents (\$112.30) for delinquent contributions; (2) twenty-two dollars and forty-six cents (\$22.46) for liquidated damages; and (3) eleven dollars and twelve cents (\$11.12) for interest as of November 9, 2012, which is assessed at a rate of twelve percent (12%) per annum from the date due and continuing to the date of payment. It is further

**ORDERED** that the Clerk of Court enter judgment in favor of Plaintiffs National Pension Fund and International Training Fund and against Defendant JT Mechanical, LLC in the amount of one thousand two hundred sixty-two dollars and fifty cents (\$1,262.50) for attorneys’ fees and seven-hundred fifty-one dollars and twenty-nine cents (\$751.29) for costs. It is further

**ORDERED** that the Clerk of Court enter judgment in favor of Plaintiffs and against Defendant in the total amount of six thousand five hundred seventy-three dollars and ten cents (\$6,573.10) plus interest on delinquent contributions continuing to accrue at twelve percent (12%) per annum from November 2011 until full payment is made. It is further

**ORDERED** that Defendant JT Mechanical, LLC is hereby **ENJOINED** from violating the terms of Plaintiffs' employee benefit plans. It is further

**ORDERED** that Defendant submit timely contributions and reports to Plaintiffs' funds.

It is further

**ORDERED** that this case is **CLOSED** and the Clerk remove the case from the docket because there are no remaining claims against Defendant.

The Clerk is directed to forward a copy of this Order to counsel of record.

**IT IS SO ORDERED.**

ENTERED this 28 day of January, 2013.

Alexandria, Virginia

1/29/2013

/s/

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Gerald Bruce Lee  
United States District Judge